

Senate Bill 426

By: Senators Pearson of the 51st, Schaefer of the 50th, Heath of the 31st, Grant of the 25th, Seabaugh of the 28th and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 2 of Title 35 of the Official Code of Georgia Annotated, relating to the  
2 Department of Public Safety, so as to provide that the commissioner of public safety is  
3 authorized and directed to negotiate the terms of a memorandum of understanding between  
4 the State of Georgia and the United States Department of Justice or Department of Homeland  
5 Security concerning the enforcement of federal immigration laws and related activities; to  
6 provide for a definition; to provide for certain training; to provide for funding; to provide for  
7 certain authorized activities by certain peace officers; to repeal conflicting laws; and for other  
8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Chapter 2 of Title 35 of the Official Code of Georgia Annotated, relating to the Department  
12 of Public Safety, is amended by inserting at the end of Article 1, relating to general  
13 provisions, a new Code section to read as follows:

14 "35-2-14.

15 (a) As used in this Code section, the term 'peace officer' means peace officer as defined  
16 in subparagraph (A) of paragraph (8) of Code Section 35-8-2, as amended.

17 (b) The commissioner is authorized and directed to negotiate the terms of a memorandum  
18 of understanding between the State of Georgia and the United States Department of Justice  
19 or Department of Homeland Security concerning the enforcement of federal immigration  
20 and custom laws, detention and removals, and investigations in the State of Georgia.

21 (c) The memorandum of understanding negotiated pursuant to subsection (b) of this Code  
22 section shall be signed on behalf of the state by the commissioner and the Governor or as  
23 otherwise required by the appropriate federal agency.

24 (d) The commissioner shall designate appropriate peace officers to be trained pursuant to  
25 the memorandum of understanding provided for in subsections (b) and (c) of this Code

1 section. Such training shall be funded pursuant to the federal Homeland Security  
2 Appropriation Act of 2006, Public Law 109-90, or any subsequent source of federal  
3 funding. The provisions of this subsection shall become effective upon such funding.

4 (e) A peace officer certified as trained in accordance with the memorandum of  
5 understanding as provided in Code Section 35-2-14 is authorized to enforce federal  
6 immigration and customs laws while performing within the scope of his or her authorized  
7 duties."

## 8 **SECTION 2.**

9 All laws and parts of laws in conflict with this Act are repealed.